

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5207 OF 2005

Pramod Dattatray Sule ...Applicant
VS.
The State of Maharashtra ...Respondent
Mr.V.P.Vaidya for the Applicant
Ms Rajeshree Gadhvi, A.P.P. for State

CORAM: A.S.OKA, J.
DATE : AUGUST 23,2005

P.C.:

1. Heard Advocate for the applicant and the learned A.P.P. for State. This is an application for anticipatory bail. The offence alleged against the Applicant is under sections 420 and 468 of the Indian Penal Code. The Applicant was serving as a Branch Manager of Bank of Maharashtra, Pimpalkothe branch Taluka Baglan during the period of 1999 to 2002.

2. There are serious allegations made against the Applicant. One of the allegations is that Government subsidy amount of Rs.34,935/- was not deposited by him with the bank and he deposited the said amount in his own private account. There are allegations against the Applicant that certain amounts were credited by him to his own account by way of travelling allowance without actually spending the said amount for travelling. The allegation against the Applicant is regarding misappropriation of total amount of Rs.62,818/-.

3. As held by the Apex Court the gravity of offence and the need for custodial interrogation are the only factors which are required to be considered while deciding an application under Section 438 of Code of Criminal Procedure, 1973. In my view, the allegations against the Applicant are serious warranting custodial interrogation. The Advocate for the Applicant tried to submit that on the basis of same allegations a show cause notice has been issued by the employer of the applicant which has been relied upon by the Applicant. In the show cause notice the allegation is only regarding commission of some irregularities. In my view, issuance of show cause notice will not affect the investigation of the crime registered against the Applicant. No case is made out for granting anticipatory bail. Application is rejected.

4. It is made clear that if the application for grant of regular bail is made by the Applicant, the same shall be decided without being influenced by the observations made in this order.

JUDGE